

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address Ali R. Nader, SBN 183134 Amir A. Nader, SBN 277014 16530 Ventura Blvd., Suite 405 Encino, CA 91436 (818) 788-5008 Fax: (818) 788-8846 ali@naderlawfirm.com</p> <p><input checked="" type="checkbox"/> Attorney for Debtor(s) <input type="checkbox"/> Debtor(s) appearing without an attorney</p>	<p>FOR COURT USE ONLY</p> <div style="border: 1px solid black; padding: 10px; text-align: center;"><p><b>FILED &amp; ENTERED</b></p><p><b>FEB 27 2013</b></p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY beauchan DEPUTY CLERK</p></div> <p><b>CHANGES MADE BY COURT</b></p>
<p><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA</b></p>	
<p>In re:</p> <p style="text-align: center;">Corazon Manalo Victoriano</p> <p style="text-align: center;">Debtor(s).</p>	<p>CASE NO.: 2:12-bk-40850-WB CHAPTER: 13 <b>ORDER ON MOTION TO AVOID JUNIOR LIEN ON PRINCIPAL RESIDENCE [11 U.S.C. § 506(d)]</b> DATE: February 6, 2013 TIME: 1:30 p.m. COURTROOM: 1375 PLACE: 255 E. Temple Street.</p>

**NAME OF CREDITOR HOLDING JUNIOR LIEN: NAVY FEDERAL CREDIT UNION**

1. The Motion was: ☐ Opposed ☒ Unopposed ☐ Settled by stipulation
2. The Motion affects the junior trust deed(s), mortgage(s), or other lien(s) encumbering the following real property ("Subject Property"), which is the principal residence of debtor(s):  
Street Address: **243 Calle Luna**  
Unit Number: \_\_\_\_\_  
City, State, Zip Code: **Walnut, CA 91789**
- Legal description or document recording number (including county of recording):  
**County: Los Angeles**  
**APN No: 8734-009-029; Lot: 61, Tract No: 31921 Region/Cluster 06/06149**
3. The Subject Property is subject to the following deed(s) of trust, mortgage(s) or other lien(s) in the amounts specified securing the debt against the Subject Property, which will be treated as indicated:
- a. **BANK OF AMERICA, N.A.** in the amount of **\$386,322.62** .
- b. **NAVY FEDERAL CREDIT UNION** in the amount of **\$136,027.67** ☒ is ☐ is not to be avoided;
- c. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ ☐ is ☐ is not to be avoided;

☐ See attached page for any additional encumbrance(s).

4. The motion is:

a. ☐ DENIED ☐ with ☐ without prejudice, on the following grounds:

1. ☐ Based upon the findings and conclusions made on the record at the hearing
2. ☐ Unexcused non-appearance by Movant
3. ☐ Lack of proper service
4. ☐ Lack of evidence supporting motion
5. ☐ Other (specify):

b. ☒ GRANTED on the following terms:

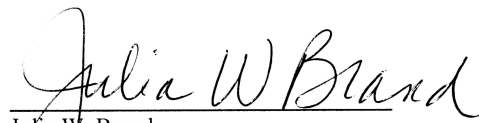
- i. The Subject Property is valued at no more than **\$355,000.00** based on adequate evidence.
- ii. This avoidance of the respondent's junior lien is effective upon: ☒ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge in this case.
- iii. Before the discharge, no payments are to be made on the secured claim of the junior lienholder; maintenance payments are not to be made.
- iv. The claim of the junior lienholder is to be treated as an unsecured claim and is to be paid through the plan pro rata with all other unsecured claims.
- v. The junior lienholder's claim on the deed of trust, mortgage or lien shall be allowed as a non-priority general unsecured claim in the amount per the filed Proof of Claim. The junior lienholder is not required to, but may file an amended Proof of Claim listing its claim as an unsecured claim to be paid in accordance with the Debtor's chapter 13 plan. If an amended claim is not filed, the Trustee may treat any claim on the debt (secured or unsecured) filed by the junior lienholder as unsecured upon entry of this order
- vi. The avoidance of the junior lienholder's deed of trust, mortgage or lien is contingent upon: ☒ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge.
- vii. The junior lienholder shall retain its lien in the junior position for the full amount due under the corresponding note and deed of trust, mortgage or lien in the event of either the dismissal of the Debtor's chapter 13 case, the conversion of the Debtor's chapter 13 case to any other chapter under the Bankruptcy Code, or if the Subject Property is sold or refinanced prior to the Debtor's ☒ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge.

viii. In the event that the holder of the first deed of trust or any senior lien on the Subject Property forecloses on its interest and extinguishes the junior lienholder's lien rights prior to the Debtor's ☒ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge, the junior lienholder's lien shall attach to the proceeds greater than necessary to pay the senior lien, if any, from the foreclosure sale.

ix. ☐ See attached continuation page for additional provisions.

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Date: February 27, 2013

  
Julia W. Brand  
United States Bankruptcy Judge

## NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*): ORDER ON MOTION TO AVOID JUNIOR LIEN ON PRINCIPAL RESIDENCE [11 U.S.C. § 506(d)] was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner stated below:

**1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)** - Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of (*date*) 2/7/2013, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

- Nancy K Curry (TR) [ecfnc@trustee13.com](mailto:ecfnc@trustee13.com)
- Sheryl K Ith [sith@cookseylaw.com](mailto:sith@cookseylaw.com)
- Mehrdaud Jafarnia [bknotice@mccarthyholthus.com](mailto:bknotice@mccarthyholthus.com), [mjafarnia@mccarthyholthus.com](mailto:mjafarnia@mccarthyholthus.com)
- United States Trustee (LA) [ustpreregion16.la.ecf@usdoj.gov](mailto:ustpreregion16.la.ecf@usdoj.gov)
- Jennifer H Wang [jwang@cookseylaw.com](mailto:jwang@cookseylaw.com), [jodom@cookseylaw.com](mailto:jodom@cookseylaw.com)

**2. SERVED BY THE COURT VIA UNITED STATES MAIL:** A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid, to the following persons and/or entities at the addresses indicated below:

☐ Service information continued on attached page

**3. TO BE SERVED BY THE LODGING PARTY:** Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

☒ Service information continued on attached page

1st lienholder (name and address)  Bank of America, N.A c/o Brian Moynihan, CEO 101 S. Tryon St., Charlotte, NC 28202	Address from: <input type="checkbox"/> Proof of Claim <input type="checkbox"/> Secretary of State <input checked="" type="checkbox"/> FDIC website <input type="checkbox"/> Other: <i>specify</i>	Delivery Method <input checked="" type="checkbox"/> US Mail <input checked="" type="checkbox"/> Certified Mail - Tracking#_____ <input type="checkbox"/> Overnight Mail - Tracking#_____ Carrier Name:_____
1st lienholder  Bank of America P.O. Box 660933 Dallas, TX 75266-0933	Address from: <input checked="" type="checkbox"/> Proof of Claim <input type="checkbox"/> Secretary of State <input type="checkbox"/> FDIC website <input type="checkbox"/> Other: <i>specify</i>	Delivery Method <input checked="" type="checkbox"/> US Mail <input checked="" type="checkbox"/> Certified Mail - Tracking#_____ <input type="checkbox"/> Overnight Mail - Tracking#_____ Carrier Name:_____
1st lienholder  Bank of America, N.A 150 N College St, NC1-028-17-06 Charlotte, NC 28255	Address from: <input type="checkbox"/> Proof of Claim <input checked="" type="checkbox"/> Secretary of State <input type="checkbox"/> FDIC website <input type="checkbox"/> Other: <i>specify</i>	Delivery Method <input checked="" type="checkbox"/> US Mail <input checked="" type="checkbox"/> Certified Mail - Tracking#_____ <input type="checkbox"/> Overnight Mail - Tracking#_____ Carrier Name:_____
Bank of America, N.A c/o CT Corporation System 818 W. Seventh St., Los Angeles, CA 90017	Address from: <input type="checkbox"/> Proof of Claim <input checked="" type="checkbox"/> Secretary of State <input type="checkbox"/> FDIC website <input type="checkbox"/> Other: <i>specify</i>	Delivery Method <input checked="" type="checkbox"/> US Mail <input checked="" type="checkbox"/> Certified Mail - Tracking#_____ <input type="checkbox"/> Overnight Mail - Tracking#_____ Carrier Name:_____
Bank of America, NA P.O. Box 660933 Dallas, TX 75266-0933	Address from: <input type="checkbox"/> Proof of Claim <input type="checkbox"/> Secretary of State <input type="checkbox"/> FDIC website <input checked="" type="checkbox"/> Other: Matrix	Delivery Method <input checked="" type="checkbox"/> US Mail <input type="checkbox"/> Certified Mail - Tracking#_____ <input type="checkbox"/> Overnight Mail - Tracking#_____ Carrier Name:_____
Bank Of America, N.A. 450 American St Simi Valley, CA 93065	Address from: <input type="checkbox"/> Proof of Claim <input type="checkbox"/> Secretary of State <input type="checkbox"/> FDIC website <input checked="" type="checkbox"/> Other: Matrix	Delivery Method <input checked="" type="checkbox"/> US Mail <input type="checkbox"/> Certified Mail - Tracking#_____ <input type="checkbox"/> Overnight Mail - Tracking#_____ Carrier Name:_____

2nd lienholder (name and address)  Navy Federal Credit Union 820 FOLLIN LANE VIENNA VA22180	Address from: <input type="checkbox"/> Proof of Claim <input checked="" type="checkbox"/> Secretary of State <input type="checkbox"/> FDIC website <input type="checkbox"/> Other: <i>specify</i>	Delivery Method <input checked="" type="checkbox"/> US Mail <input type="checkbox"/> Certified Mail - Tracking#_____ <input type="checkbox"/> Overnight Mail - Tracking#_____ Carrier Name:_____
2nd lienholder (name) and Agent for Service of Process (name and address)  Navy Federal Credit Union c/o THOMAS J CONNELLY 820 FOLLIN LN VIENNA VA 22180	Address from: <input type="checkbox"/> Proof of Claim <input checked="" type="checkbox"/> Secretary of State <input type="checkbox"/> FDIC website <input type="checkbox"/> Other: <i>specify</i>	Delivery Method <input checked="" type="checkbox"/> US Mail <input type="checkbox"/> Certified Mail - Tracking#_____ <input type="checkbox"/> Overnight Mail - Tracking#_____ Carrier Name:_____

<p>2nd lienholder</p> <p>Navy Federal Credit Union PO Box 3000 Merrifield, VA 22119-3000</p>	<p>Address from:</p> <p><input checked="" type="checkbox"/> Proof of Claim <input type="checkbox"/> Secretary of State <input type="checkbox"/> FDIC website <input type="checkbox"/> Other: <i>specify</i></p>	<p>Delivery Method</p> <p><input checked="" type="checkbox"/> US Mail <input type="checkbox"/> Certified Mail - Tracking# _____ <input type="checkbox"/> Overnight Mail - Tracking# _____ Carrier Name: _____</p>
<p>Navy Federal Credit Union PO Box 3700 Merrifield, VA 22119</p>	<p>Address from:</p> <p><input type="checkbox"/> Proof of Claim <input type="checkbox"/> Secretary of State <input type="checkbox"/> FDIC website <input checked="" type="checkbox"/> Other: Matrix</p>	<p>Delivery Method</p> <p><input checked="" type="checkbox"/> US Mail <input type="checkbox"/> Certified Mail - Tracking# _____ <input type="checkbox"/> Overnight Mail - Tracking# _____ Carrier Name: _____</p>

<p>Alternative/Additional Address (name and address)</p> <p>Honorable Judge Julia W. Brand 255 E. Temple Street Suite 1382 / Courtroom 1375 Los Angeles, CA 90012</p>	<p>Address from:</p> <p><input type="checkbox"/> Proof of Claim <input type="checkbox"/> Secretary of State <input type="checkbox"/> FDIC website <input type="checkbox"/> Other: <i>specify</i></p>	<p>Delivery Method</p> <p><input checked="" type="checkbox"/> US Mail <input type="checkbox"/> Certified Mail - Tracking# _____ <input type="checkbox"/> Overnight Mail - Tracking# _____ Carrier Name: _____</p>
<p>Alternative/Additional Address (name and address)</p> <p>Corazon Manalo Victoriano 243 Calle Luna Walnut, CA 91789</p>	<p>Address from:</p> <p><input type="checkbox"/> Proof of Claim <input type="checkbox"/> Secretary of State <input type="checkbox"/> FDIC website <input type="checkbox"/> Other: <i>specify</i></p>	<p>Delivery Method</p> <p><input checked="" type="checkbox"/> US Mail <input type="checkbox"/> Certified Mail - Tracking# _____ <input type="checkbox"/> Overnight Mail - Tracking# _____ Carrier Name: _____</p>